

1937
1937.

File No. 1544/36

A CLASS

P.W. DEPARTMENT
E BRANCH

Subject:— All India Services.

Administrative posts, temporary.

Counting of the period spent on
leave towards increment by an
officer holding —

P.G.
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11/11/37

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File No. 1544/36

Ftd. Sectt. Slip 94 A

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 1544/36P.W.

DEPT.

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BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Copy of letter No. 6432-E, dated the 11 th December 1936, from the Secretary to Government, Assam, Public Works Department, Establishment Branch, to the Secretary to the Government of India, Department of Industries and labour, Public Works Branch.

Subject:- Counting of the period spent on leave towards increment by an officer holding an administrative post.

I am directed to invite a reference to paragraph 4 of the Government of India, Home Department letter No. 14/F.40/^{XLVI}xivi/34-Police, dated the 13th February 1936, to His Majesty's Secretary of State for India, and also to the orders conveyed in paragraph 3 of letter No. F. 1383/36, dated the 1st April 1936, from the India Office, London, to the Government of India, Home Department, copies of which were forwarded to this Government, with Government of India, Finance Department Memo. No. F. 27(24)-Z. 1/36, dated the 18th August 1936, and to say that a case has arisen in this Department in which Mr. Ali Ahmed, I. S. E., temporary Superintending Engineer, Assam, in the time-scale pay of Rs. 1,750-100-2,150 went on a month's leave on average pay from 9th March 1936, and returned to duty on the 9th April 1936. Under fundamental Rule 26(d), the period thus spent on leave by the officer would count for increment in the time-scale of pay attached to the post, is considered as sanctioned by the Secretary of State for India, the orders contained in paragraph 8 of the Finance Department letter No. 1559-E.A., dated the 16th August 1921 appear to be applicable to the case.

2.. These orders contemplate that leave during which a Government servant held lien on an administrative post shall count for increment in the time-scale applicable to the post. The question of lien on a temporary post is not contemplated in fundamental Rule 9(13), but as Mr. Ali Ahmed by reason of his seniority had a title to hold the temporary post on the termination of his leave, it is considered that the period of leave availed of by the officer should also count for increment in the time-scale of the temporary post held by him.

I am therefore to request that you will be so good as to obtain the sanction of the Government of India to the application of the principles of the Fundamental rule 26(d) in Mr. Ali Ahmed's case.

3. I am also to enquire whether in future it will be necessary to apply for similar sanction of the Government of India in each case of leave taken by the increment of the post of the temporary Superintending Engineer in Assam. This is the only temporary administrative post in the province at present, and therefore the only temporary post excluded from the concessions admissible under Fundamental rule 26(d), and if the Government of India see no objection they may be requested to accord a general sanction to apply the principles of Fundamental rule 26(d) to the post of temporary Superintending Engineer in Assam.

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BRV.

Copy.

Copy of a letter from the Government of India, Department of Industries and labour, to the Secretary to the Government of Assam, Public Works Department, No. E. 16, dated the 1st June 1937.

Subject:— Counting the of the period of leave towards increments by an officer holding a temporary administrative post.

I am directed to acknowledge the receipt of your letter No. 6432-E., dated the 11th December 1936, in which the local Government request sanction to the application of the principles of Fundamental Rule 26(d) in the case of Mr. Ali Ahmed, I. S. E., who is holding a temporary post of Superintending Engineer, Assam and also in the case of future incumbents of the post. 2. In reply I am to explain that in paragraph 3 of the India Office letter No. F. 1385/36, dated the 1st April 1936, the Secretary of State has authorised the Application of the principles of the Fundamental Rules in any case in which concessions admissible under the Fundamental Rules cannot be applied to a period of service in a temporary administrative post. Accordingly, the orders contained in paragraph 8 of the Government of India, Finance Department, resolution No. 1559-E. A., dated the 16th August 1921, need not be applied in such cases in future, and the restriction imposed by that paragraph regarding the grant of the concession of counting leave for increments in a temporary post(which is admissible under Fundamental Rule 26 (d) need not be enforced. The Government of India, in consultation with the Auditor General, therefore, consider that paragraph 8 of the Government of India, Finance Department, Resolution No. 1559-EA., dated the 16th August 1921, should be treated as cancelled and that, consequently, the Fundamental Rules can be applied as a matter of course without any further authority from the Government of India in cases like the present one in which the Fundamental Rules are applicable. In these circumstances, I am to state that.....

that Fundamental Rule 26(d) may be taken to apply in the present case of Mr. Ali Ahmed, as also in all similar cases that may arise in future, without any further specific orders.

3. I am to add that in cases in which the Fundamental Rules cannot be applied directly, ~~s.g.~~ when the pay is on a graded scale, the Government of India have been authorised in paragraph 3 of the Indian Office letter No. F. 1335/36, dated the 1st April 1936, to apply the principles of the Fundamental Rules, and in such cases the authority for applying the Fundamental Rules, should be issued by the Government of India in consultation with the Auditor General. It is doubtful whether any such case will arise- arise in future, but if any does arise, it should be referred to the Government of India for considering the issue of the necessary authority.

Endorsement by the Government of India, Finance Department,
No. F. 27(24)-Ex. 1/36, dated the 14th June 1937.

Forwarded to all Provincial Governments and Minor
local Governments; in continuation of endorsement No.
F. 27(24)-Ex.1/36, dated the 18th August 1936.

Except Assam.

True copies,
sdl
For Superintendent.

EWV.

Below copies of an endorsement from the Government of India, Finance Department, No. F. 27(24)-Sa-1/36, dated the 14th June 1937, and its accompaniments.

—o—
No. 1855/34-D.

Political and Reforms Department,

Bombay Bombay Castle, 8th July 1937.

Forwarded for information in continuation of Government endorsement, Finance Department, No. 2969-F, dated the 14th September 1936, to—

The Secretary to His Excellency the Governor,

The Accountant General, Bombay,

All Departments of the Secretariat (except the Separate Department).

By order of the Governor of Bombay,

sd/—

For Chief Secretary to the Government of Bombay,

Political and Reforms Department.

EVRV.

1544/36.

(Below copies of the Envt. by the P. & R. Deptt.
No. 1855/24-D. , dated 8-7-37, and its accounts.)

No. 1544/36-E.
Public Works Department.
Bombay Castle., 19th August, 1937.

Copies forwarded, with compliments, to —

the S. E., H. C.,

the S. E., C. C.,

the S. E., S. C.,

the S. E., D. I. C.,

the Com. P. H. Engr. to Government,

the Ex. Engrs. of Divns. (except the Ex. Engr. EL D),

The Director, Central Iggn & Hydro dynamic
research Station, Poona.

the Ex. Engr. -do- —————

} With a copy
of G. R. (F.D)
No. 716
dated 14-9-21

for information with reference to G.R., (F. D.)

No. 716 dated 14-9-21.

By order of the Governor of Bombay,

Sd
12-8-37.

Id/- D. S.
14-8-37

Id/- S. E. R. D.
14-8-37.

Sesy.

SEN.